

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

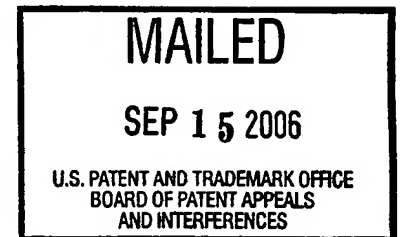
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte STEVE NAVARRO

Appeal No. 2006-1129
Application No. 10/775653

ON BRIEF



Before OWENS, CRAWFORD, and FETTING, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 14.
Claims 15 to 21 have been withdrawn from consideration.

BACKGROUND

The appellant's invention relates to a trailer brake and remote control system for automotive use (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

The prior art

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Pyle	4,653,770	Mar. 31, 1987
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Admitted Prior art on page 4 of specification (APA)

The rejections

Claims 1, 4, 7, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pyle.

Claims 2, 3, 5, 6, 8, 9, and 12 to 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pyle and Applicant's admitted prior art on page 4 of the specification.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer (mailed November 10, 2005) for the examiner's complete reasoning in support of the rejections, and to the brief (filed August 3, 2005) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

We turn first to the examiner's rejection of claims 1, 4, 7, 10 and 11 under 35 U.S.C. § 102(b) as being anticipated by Pyle. We initially note that to support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

The examiner's findings in regard to the rejection can be found on page 3 of the answer.

We will not sustain this rejection because we agree with the appellant that Pyle does not disclose a trailer hitch which further comprises a kingpin or a sliding mechanism slidingly captured within the trailer frame, as required by claim 1. Pyle discloses a kingpin attached to the towing vehicle (col. 1, line 58). In addition, Pyle discloses a sliding mechanism 16 that is not captured within the trailer frame (see Fig. 6 and 7). Instead, Pyle's sliding mechanism remains within the tractor or truck pulling

the trailer (col. 2, lines 45 to 51). The examiner's argument that Pyle Fig. 7 depicts the sliding mechanism within the trailer frame is unpersuasive because the mechanism shown in Pyle Fig. 7 is actually within the truck bed or attached to a tractor, according to Pyle.

In view of the foregoing, we will not sustain this rejection as it is directed to claim 1 or claims 4, 7, 10 and 11 dependent thereon.

We turn next to the examiner's rejection of claims 2, 3, 5, 6, 8, 9, and 12 to 14 under 35 U.S.C. § 103 as being unpatentable over Pyle and APA on page 4 of the specification. The examiner relies on APA for teaching that brake systems are normally operated with pneumatic, electric or hydraulic energy.

We will not sustain this rejection as it is directed to claims 2, 3, 5, 6, 8, and 9. These claims depend from claim 1 and thus include the subject matter found lacking in Pyle. APA does not cure the deficiencies found lacking in Pyle. We will likewise not sustain this rejection as it is directed to claim 12 and claims 13 and 14 dependent thereon because claim 12 also requires that the hitch comprise the kingpin and that the sliding mechanism be slidingly captured within the trailer frame.

The decision of the examiner is reversed.

Terry J. Owens
TERRY J. OWENS
Administrative Patent Judge

MURRIEL E. CRAWFORD
Administrative Patent Judge

ANTON W. FETTING
Administrative Patent Judge

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Appeal No. 2006-1129
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Page 6

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